

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s)

Case Name

Requesting Party Name(s)

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (*you **must** also complete the Declaration on page 3*)
- ☐ Motion to proceed in forma pauperis
- ☐ Motion for a certificate of appealability
- ☐ Response/opposition to a pending motion
- ☐ Reply to a response/opposition to a pending motion
- ☐ Certified Administrative Record
- ☐ Response to court order dated
- ☐ Other (*you **must** describe the document*)

The requested new due date is:

I request the extension of time because (**cannot be left blank**):

(attach additional pages if necessary)

The City requests this extension as the result of an unexpected request by the California Supreme Court for supplemental briefing, in addition to an already busy schedule and a planned vacation. I continue to work diligently and do not anticipate any further extension requests.

Signature **Date**

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8*Complete this section for criminal or immigration cases.*

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☐ I have **NOT** filed a previous request to extend time to file the document.
- ☐ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)*Complete this section if you are requesting an extension of time to file a brief.*

1. I request an extension of time to file the brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is:

3. The brief's first due date was:

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

5. The position of the other party/parties regarding this request is:

☒ Unopposed.☐ Opposed by *(name of party/parties opposing this motion)*:☐ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature **Date** *(use "s/[typed name]" to sign electronically-filed documents)**Feedback or questions about this form? Email us at forms@ca9.uscourts.gov*

DECLARATION OF MICHAEL M. WALSH

Michael M. Walsh declares:

1. I am an attorney licensed to practice in the State of California and admitted to practice in the United States Court of Appeals for the Ninth Circuit. I am a deputy city attorney for the City of Los Angeles in the Civil Appeals Division and am the attorney principally responsible for handling this matter on appeal for the City and its subdivisions, the City of Los Angeles Department of Transportation, and the Los Angeles Police Department. I have personal knowledge of the following facts, and if asked, I could testify truthfully to them.
2. Appellants' Reply/Opposition Brief (the third brief) was filed on July 24, 2025. The appeal raises Fourth and Fifth Amendment constitutional issues as well as class certification and related procedural issues. The issues in the cross-appeal include related but distinct procedural due process issues, the extent of a Fourth Amendment seizure, and equal protection. Absent unforeseen circumstances, I will be able to complete the Cross-Reply Brief (the fourth brief) by October 15, 2025.
3. Providing the requested extension from September 15, 2025 to October 15, 2025, will allow me to better prepare a cogent brief that will better serve the court's task of adjudicating this matter. My ability to work on this matter has been and will be impacted by various other matters, each of which has required or will require varying, and in some cases significant, amounts of my time and attention:
 - a. In *Los Angeles Police Protective League v. City of L.A.*, Cal. Supreme Court No. S275272, despite oral argument taking place in May, the California Supreme Court unexpectedly requested supplemental briefing. The initial brief by each party was filed on July 30, 2025, and the responsive briefs are due on August 13, 2025.
 - b. The City's Respondents' Brief in *Tamayo v. City of L.A.*, Cal. Court of Appeal No. B340045, is due and will be filed by August 22, 2025.
 - c. I had a long-scheduled and prepaid vacation from August 25, 2025, through September 10, 2025, and will be unavailable and out of the country during that time.
 - d. In *Barry v. City of L.A.*, Ninth Circuit No. 25-1038, the City's answering brief was due on August 25, 2025, but due to a late filing

- by the plaintiff the City anticipates this brief will be due in the middle of September.
- e. I have a Respondents' Brief due on September 8, 2025, in *Averaimo v. City of Los Angeles*, Cal. Court of Appeals No. B338696.
 - f. I have a Respondents' Brief due on September 18, 2025, in *Ouyang v. Younan*, Cal. Court of Appeals No. B339595.
 - g. I have a Respondents' Brief due on September 29, 2025, in *Shaw v. City of L.A.*, Cal. Court of Appeals No. B339462.
4. On August 7, 2025, I emailed Plaintiffs' and Appellants' counsel, Donald W. Cook, to ask whether they would oppose this extension request. Mr. Cook confirmed that Appellants **do not** oppose this request.
5. I am unaware of any reporter's default regarding any designated transcripts.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 7, 2025 at Los Angeles, California.

/s Michael M. Walsh

Michael M. Walsh